

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LARRY ANDREW PIATEK, a/k/a
PETER JOSEPH BARDESON,

Plaintiff,

Case No. 05-C-1154

v.

AMERICAN INCOME LIFE INSURANCE CO.,
ROGER SMITH, DEBBIE GAMBLE and
JOSEPH MANONE,

Defendants.

OPINION AND ORDER

Having examined the Complaint filed by Larry Piatek, a prisoner in state custody, the court concludes that the facts alleged do not support diversity or federal question subject matter jurisdiction. See 28 U.S.C. §§ 1331 & 1332. Therefore, the court ORDERS that this action IS DISMISSED. See Federal Rule of Civil Procedure 12 and 28 U.S.C. § 1915A.

IT IS FURTHER ORDERED that the Clerk of Court shall enter a judgment of dismissal as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

This action filed by Plaintiff Larry Andrew Piatek against Defendants American Income Life Insurance Co., Roger Smith, Debbie Gamble and Joseph Manone came before the court, the Honorable Thomas J. Curran, District Judge, presiding, and the Plaintiff having failed to establish subject matter jurisdiction,

IT IS ORDERED AND ADJUDGED

that this matter is dismissed without prejudice.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 8th day of November, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge